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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/696,869 | 10/30/2003 | Venkat K. Raghavendran | 3813 | 9106 |

22474 7590 02/13/2006

DOUGHERTY CLEMENTS
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE, NC 28211

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| EXAMINER |
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DIXON, MERRICK L

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| ART UNIT | PAPER NUMBER |
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1774

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,869

Applicant(s)

RAGHAVENDRAN, VENKAT K.

Examiner

Merrick Dixon

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 26, 27 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3, 29-32, 38 and 40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-14, 26, 27, 33-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-30-03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Applicants election of claims 1,4-14,26,27,33-37 and 39 on 11-21-05. Is noted claim 29 belongs to Group II. Same claim depends on non-elected claim 2. The examiner appreciates applicants bringing the above problem to the examiner's attention. Claims 2,3,28-32,38, 40-42 remain withdrawn.

1. Applicant's election with traverse of claims 1,4-14,26,27,33-37 and 39 in the reply filed on 11-21-05 is acknowledged. The traversal is on the ground(s) that claim 29 is present in both Groups I and II. And additionally the Groups depends from each other. This is not found persuasive because the Groups are distinct and separate for reasons articulated in the previous office action and applicants have failed to show why such restriction is in error.

The requirement is still deemed proper and is therefore made FINAL.

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Claims 1,4-14,26,27,29,33-37 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 9, the phrase, "is sufficiently open" is vague and indefinite as the exact "openness" of the describing fibers are not known. In claim 1, line 10, the phrase, "to enable the migration" is not a positive manipulation. Is such enablement essential for the invention to work or be complete?

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In claim 11, line 2, the phrase, "thermoplastic polyolefin" lacks proper antecedent basis.

In claim 8, line 2, the claim recited improper Markush groups.

In claim 27, line 2, it is not known if an "on exposure to heat and pressure" is necessary to facilitate polymerization. Will the invention also worked without such exposure?

In claim 27, line 4, "class-A" surface is indefinite and not understood.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1,4-14,26,27,33-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano(US 5165990).

The cited reference teaches the basic claimed invention including multilayered laminated fiber reinforced material comprising thermoplastic resin layer, reinforcing fibrous layer and a layer comprising chemically reactive components- col 9, lines 6-30; col 12, lines 56- col 13, line 15; col 14, lines 32-34; col 17, lines 63-68. It is submitted that the reference teaches polymerizing its material- col 9, lines 64-68; col 10, lines 10-16; col 14, lines 39-54, it is submitted it would have been obvious to utilize temperatures during such polymerization, to impart any claimed viscosity for the thermoplastics, in the

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absence of unexpected results. Additionally, such utilization would have been further obvious since it has long being held that discovering an optimum value of a result effective variable as viscosity, involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215(CCPA 1980). Concerning claim 8, the reference teaches the claimed fibers in col 7, lines 45-60. the reference teaches glass mat in col 17, lines 64-68, as required by claim 9. In col 10, lines 23-49, col 9, lines 41-42, the reference teaches similar thermoplastic resin as required by claims 5, 10 and 11. Concerning claims 12, 13 and 14, the reference teaches similar additives in col 9, lines 24-39. In col 2, lines 64- col 3, line 3; col 12, lines 1-11; col 12, lines 5-20; col 12, lines 56-68; col 8, lines 10-38. . The reference also teaches similarly claimed oligoester as required by claims 4,6,33-35 and 39. Concerning claim 7, the reference teaches the fibers in col 9, lines 40-68. Concerning claim 26 and 36, the reference teaches polycarbonate material in col 9, lines 40-68. concerning claim 27, the reference teaches similar surface modifications in col 9, lines 7-18. concerning claims 36 and 37 , the reference teaches polycarbonate reactive material in col 9, lines 40-47; see above, also the reference teaches particular percentage amounts for its material throughout the reference- col 7, lines 13-24; col 17, lines 64-68. it is thus submitted that in the absence of unexpected results, such claimed material would have been obvious in accordance with in re Aller, 105 USPQ 233.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim(US 4983247) and Della Vecchia et al(US 4612238) are cited of interest for their teachings as set forth and additionally to show the state of the art.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 571-273-8300.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.

A handwritten signature in black ink, appearing to read "Merrick Dixon", with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700